

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
TUESDAY, APRIL 27, 1999  
2:30 P.M**

Commissioners Present: Kathy Campbell, Chair  
Bob Workman  
Bernie Heier

Commissioners Absent: Larry Hudkins  
Linda Steinman

Others Present: Kerry Eagan, Chief Administrative Officer  
Diane Staab, Deputy County Attorney  
Bruce Medcalf, County Clerk  
Gwen Thorpe, Deputy County Clerk  
Ann Taylor, County Clerk's Office

**AGENDA ITEM**

**1 DISCUSSION WITH RIVER OAKS COMMUNICATIONS CORPORATION REGARDING DEVELOPMENT OF A MODEL TELECOMMUNICATIONS AND PERSONAL WIRELESS SERVICES ORDINANCE - Tom Duchen and Tom Creighton, Telecommunications Consultants**

Tom Duchen, Telecommunications Consultant, gave a brief overview of the services River Oaks Communications Corporation will provide in development of Personal Wireless Services and Model Telecommunications Ordinances for the City and County. He stated the purpose of these ordinances is to develop a regulatory framework which will encourage the advent of advanced services and provide ground rules for wireline and wireless providers.

Duchen stated River Oaks Communications Corporation has identified fifteen policy issues with regards to the development of a Personal Wireless Services Ordinances for the City and County (Exhibit A):

1. What type of aesthetic and screening requirements are necessary or desirable?
2. What type of setbacks should be imposed from adjoining property owners and public thoroughfares?
3. To what extent should providers be required to check for alternative sites on existing buildings and facilities and within what radius? What mapping and tower separation requirements are necessary or desirable?
4. What types of color are permissible from a blending standpoint, and do the City and County want to allow lights, signals and signs on towers?
5. Do the City and County have a preference for monopoles versus lattice towers?

6. With respect to rooftops, what type of coverage should be permissible on the roofs themselves; what type of screening and parapets may be required or allowed?
7. Do the City and County want to create incentives for co-location? Do the City and County prefer to have a fewer number of towers which are taller or a larger number of towers with less height?
8. Do the City and County want a system of preferences guiding the siting of wireless facilities?
9. Do the City and County want incentives established for siting of wireless facilities? What incentives can the City and County offer in terms of permitted uses or expedited review?
10. Do the City and County want to encourage or create a preference for locating on City and County property by providing incentives in the regulatory process for such expedited review?
11. Are there historical, scenic or environmentally sensitive areas which require further consideration and scrutiny?
12. What type of permitted height should be permissible in differing zones?
13. Would all towers and antennas require such public hearings or should some be permitted with conditional use permits or similar administrative review without public hearings?
14. What type of process should be instituted where there is abandonment of facilities, or in the event that the effective radiated power is reduced, or if smaller towers would suffice as technology continues to improve?
15. What type of sanctions (civil, criminal, revocation of authorizations or a combination thereof) should be provided in the ordinance?

Duchen stated this ordinance will be drafted, with input from the governing bodies, to conform with existing policy and regulations. A meeting will then be scheduled with wireline and wireless providers, at which time the draft ordinance will be shared and input solicited.

Duchen indicated that registration of telecommunications providers will be required under the Model Telecommunications Ordinance.

Tom Creighton, Telecommunications Consultant, stated this ordinance will also address those entities that seek to run wire and access rights-of-ways, without service provision, and the collection of fees for occupancy of rights-of-ways. The Model Telecommunications Ordinance will also address the issue of franchising for service providers. He noted that legislation pending before the Nebraska Legislature would allow for collection of occupancy fees and recovery of costs, which he indicated are considerable.

Duchen stated that rights-of-way indemnification issues, such as the posting of letters of credit and bonds, and requirements for Open Video Systems (OVS) providers will also be addressed in the Model Telecommunications Ordinance. He stated provision of educational and governmental programming to outlying communities has been identified as a crucial issue for the County and indicated the issue will be included in franchise renewal discussions with Time Warner Cable.

Creighton stated that, although the City and County ordinances are similar in nature, some specific tailoring will be necessary.

Duchen stated it is also important to look at other municipalities, noting many charge rates of \$1,000-\$1,200 a month for use of each facility. He also noted that other municipalities are negotiating for a percentage of sublease payments.

In response to a question from Campbell, Duchon stated that development of the ordinances is anticipated to take approximately six months. He suggested the consultants meet with members of the Board in three to four weeks to discuss policy issues.

Campbell requested that River Oaks Communications Corporation provide any additional written material, including a glossary of terms, to members of the Board for their review, prior to that meeting.

Creighton suggested the scheduling of town hall meetings, possibly in conjunction with the City, in the next two to three months to educate and seek input from the public on these issues.

Campbell requested that information that this project is underway also be provided to the County's villages and clerks; *Hickman Voice*, *Waverly News*, and *Crete News* newspapers; and Lancaster County Cooperative Extension's *NEBLINE* and the Lincoln Action Program's *News 'n Brief* and *Lancaster Update* publications for dissemination to the public, noting that the County Board will provide a cover letter.

In response to a question from Workman, Creighton suggested the Board exercise caution in approving any additional fiber optic placement. He suggested that the County instead issue temporary licenses, subject to eventual adoption of ordinances.

Eagan remarked that the County Board is concerned about a number of the provisions in LB 496, which changes right-of-way for telecommunications lines and related facilities and eminent domain powers.

Larry Worrell, County Surveyor, stated this legislation only provides for recovery of direct costs. He stated there are three crucial issues that need to be addressed in the in the form of a resolution:

1. The statute pertaining to telephone and telegraph
2. Use of the rights-of-way by public and private utility companies
3. Right of use by Cablevision

Creighton stated the ordinances will require those accessing rights-of-way to submit their plans in a Geographic Information System (GIS) format.

Worrell suggested that certification also be required to protect the County from liability.

In response to a question from Eagan, Duchon stated that location of cellular towers on County owned property will be encouraged in the ordinance, to increase the County's control. He noted that indemnity requirements will also provide the County leverage in decommissioning of cellular towers.

## **2 ADJOURNMENT**

By direction of the Chair, the meeting was adjourned.

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Bruce Medcalf  
Lancaster County Clerk